

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Arch Specialty Insurance Company, Plaintiff, -v- Lyter Group, Inc., Defendant.	2:23-cv-8146 (NJC) (ARL)
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MEMORANDUM AND ORDER

NUSRAT J. CHOUDHURY, United States District Judge:

On March 4, 2024, Plaintiff Arch Specialty Insurance Company (“Plaintiff”) filed a Motion for Default Judgment against Defendant Lyter Group, Inc. (“Defendant”). (ECF No. 14.) On October 15, 2024, Magistrate Judge Arlene R. Lindsay issued a Report and Recommendation (the “R&R”) recommending that Plaintiff’s Motion for Default Judgment be denied with leave to renew. (R&R, ECF No. 16.) A copy of the R&R was provided to all counsel via ECF. (*See id.* at 6.) The R&R instructed that any objections to the R&R must be submitted in writing to the Clerk of Court within fourteen (14) days, *i.e.*, by October 29, 2024. (*Id.*)

The date for filing any objections has thus expired, and no party has filed an objection to the R&R. In reviewing a report and recommendation, the court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If no objections are filed, a district court reviews a report and recommendation for clear error. *King v. Paradise Auto Sales I, Inc.*, No. 15-cv-1188, 2016 WL 4595991, at *1 (E.D.N.Y. Sept. 2, 2016) (citation omitted); *Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007)).

Because a motion to dismiss with prejudice is dispositive, and because no party has filed

timely objections to the R&R, I review the R&R for clear error. Having conducted a review of the motion papers and the applicable law, and having reviewed the R&R *de novo* out of an abundance of caution, I adopt the thorough and well-reasoned R&R in its entirety. Accordingly, I deny Plaintiff's Motion for Default Judgment (ECF No. 14) in its entirety with leave to renew.

Plaintiff shall file any renewed motion for default judgment by **November 21, 2024**.

Dated: Central Islip, New York
November 1, 2024

/s/ Nusrat J. Choudhury
NUSRAT J. CHOUDHURY
United States District Judge